

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JADEN STUART,

Defendant.

8:23-CR-252

**ORDER STAYING MAGISTRATE
JUDGE'S RELEASE ORDER PENDING
FURTHER REVIEW**

This matter is before the Court on the Government's Motion for Emergency Stay and for Review of Revocation of a Release Order. [Filing 43](#). The U.S. Magistrate Judge entered an order releasing defendant Jaden Stuart, pending trial on charges of violating 21 U.S.C. § 841(a)(1) and (b)(1). Filing 40 (Text Order granting release); [Filing 41](#) (conditions of release). The Government implies that the magistrate judge released Stuart so that he could receive drug addiction treatment. [Filing 43 at 6](#) (“Although STUART may need treatment, his behavior shows he is a flight risk and a danger to both himself and the community.”). The Government requests a stay of the order while the Court conducts its *de novo* review in consideration of the Government’s request for revocation of the order pursuant to 18 U.S.C. § 3145. [Filing 43 at 7](#). Citing Stuart’s previous failures to turn himself into authority and the ineffectiveness of his prior drug addiction treatment, the Government maintains that Stuart has failed to overcome the rebuttable presumption of detention applicable to the charged crime. [Filing 43 at 6](#).

To allow the Court time to conduct its *de novo* review, the magistrate judge’s April 30, 2024, order releasing defendant Stuart, Filing 40; [Filing 41](#), will be stayed pending the Court’s review of the United States Magistrate Judge’s Revocation of Release Order. *See* 18 U.S.C. § 3145(a)(1).

IT IS ORDERED:

1. The Government's Motion for Emergency Stay and for Review of Revocation of a Release Order, [Filing 43](#), is granted in part and remains pending in part. The Court grants the Motion as to the Stay but does not at present rule on the Review of Revocation of the Release Order;
2. The magistrate judge's April 30, 2024, order releasing defendant Jaden Stuart, Filing 40; [Filing 41](#), is stayed pending this Court's review of the United States Magistrate Judge's Revocation of Release Order, [Filing 43](#);
3. The defendant shall be detained pending further order of the Court; and
4. The Court will determine whether a hearing on the Government's Motion is required at a later date.

Dated this 1st day of May, 2024.

BY THE COURT:



Brian C. Buescher
United States District Judge